

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RECEIVED

CURTIS SPIDELL

2007 OCT -1 P 12:23

VS.

PLAINTIFF
CIVIL ACTION NO. 3:07CV874-MHT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MIDLAND CREDIT MANAGEMENT, INC.
and MRC RECEIVABLES CORPORATION

DEFENDANTS

NOTICE OF REMOVAL

COME NOW the Defendants, MIDLAND CREDIT MANAGEMENT, INC. ("Midland") and MRC RECEIVABLES CORPORATION ("MRC"), by and through their attorneys, McGlinchey Stafford, PLLC, and file this, their *Notice of Removal* of this action to the Middle District of Alabama, Eastern Division, and in support thereof, would show unto the Court the following:

1. This Court has subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. § 1332. Removal of this proceeding is authorized pursuant to 28 U.S.C. §§ 1441 and 1446.

2. The instant case was commenced on or about August 27, 2007, in the Circuit Court of Randolph County, Alabama, Cause No. CV 2007-110. The Complaint alleges that the Defendants wrongfully sued Spidell to collect a debt that Spidell claims he did not owe. Spidell's Complaint lists two causes of action: malicious prosecution (for filing suit against Spidell to collect the debt), and negligence (for improperly filing the suit after Spidell claims he informed the Defendants that he did not owe the debt). Spidell's Complaint seeks \$74,000.00 for malicious prosecution and states a separate *ad damnum* clause after the negligence count praying for "all sums he may be entitled to under the pleadings." *Complaint*, page 6. As also stated in Spidell's Complaint, the amount of the debt for which Spidell was sued is \$1,098.98.

3. This case is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. The Plaintiff alleges that he is an adult resident citizen of Randolph County, Alabama. The Defendants concur, and admit that Spidell is an Alabama resident, which is sufficient to establish the Plaintiff's Alabama citizenship for the purpose of removal. Midland is a Kansas corporation with its principal place of business in California. MRC is a Delaware corporation with its principal place of business in California. Thus, complete diversity of citizenship exists between the Plaintiff and the Defendants.

4. Although Spidell has the choice of the jurisdiction in which he originally filed his lawsuit, he may not carefully plead unspecified damages or damages not to exceed the jurisdictional limit so as to avoid federal jurisdiction. *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1273 (11th Cir. 2000) ("Jurisdiction is not conferred by the stroke of a lawyer's pen."). Here, Spidell originally chose to bring this action in the Circuit Court of Randolph County, Alabama, but he may not rely upon an unspecified amount of damages as it relates to his negligence claim in order to remain in state court, when his claim is clearly for more than the amount necessary for federal jurisdiction. Spidell has specifically prayed for \$74,000.00 for his malicious prosecution claim, and has also prayed for an unspecified amount of money for his negligence claim, which is related to a lawsuit where the debt owed is \$1,098.98. Thus, the amount in controversy in this case clearly exceeds \$75,000.00.

5. This Court has supplemental jurisdiction over any and all other claims asserted by the Plaintiffs in accordance with 28 U.S.C. §§ 1367 and 1441.

6. The removal of this matter is timely and proper pursuant to 28 U.S.C. § 1446. All necessary and properly joined parties have consented to the removal of this action within the time permitted by law.

7. By filing this *Notice of Removal*, the Defendants do not waive their right to object to service, service of process, the sufficiency of process, jurisdiction over the subject matter, jurisdiction over the person, or venue, and specifically reserve the right to assert any and all defenses and/or objections to which they may be entitled. The Defendants also reserve any right to compel arbitration of the claims asserted.

8. Copies of all process, pleadings, orders and other papers filed in this action and obtained by the Defendants are attached hereto and marked as composite Exhibit "A," and incorporated herein by reference.

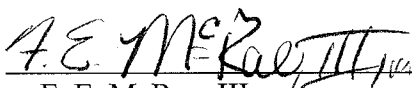
9. A copy of this Notice of Removal has been sent to all counsel of record, and will be filed with the clerk of the Circuit Court of Randolph County, Alabama.

WHEREFORE, PREMISES CONSIDERED, the Defendants pray that this Court assume full jurisdiction over this proceeding as provided for by law.

THIS, the 1st day of October, 2007.

Respectfully submitted,

MIDLAND CREDIT MANAGEMENT, INC.
and MRC RECEIVABLES CORPORATION

By: 
F. E. McRae, III
Its Attorney

OF COUNSEL:

F. E. McRae, III (AL No. ASB-4501-M56F)

MCGLINCHEY STAFFORD, PLLC

Suite 1100 – City Centre South

200 South Lamar Street (39201)

Post Office Drawer 22949

Jackson, Mississippi 39225-2949

Telephone: (601) 960-8400

Facsimile: (601) 960-8431


Attorneys for the Defendants, Midland Credit Management, Inc.
and MRC Receivables Corporation

CERTIFICATE OF SERVICE

I, F. E. McRae, III, of McGlinchey Stafford, PLLC, attorney for the Defendants, do hereby certify that I have this day served, via United States Mail, postage prepaid, a true and correct copy of the foregoing document to the following:

John A. Tinney, Esq.
Attorney for Plaintiff
Post Office Box 1430
Roanoke, Alabama 36274

THIS, the 1st day of October, 2007.



F. E. McRae, III

213337.1

Circuit Clerk of Randolph County
CHRIS MAY, CIRCUIT CLERK

RHONDA C. HILL
Chief Clerk
Civil

CYNTHIA P. WHALEY
Civil



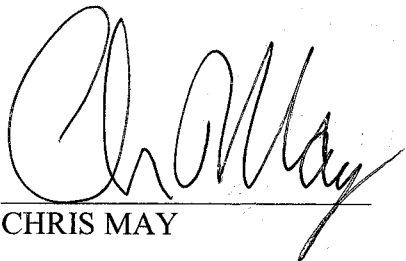
MARLENE S. LINDLEY
Criminal

MANDY F. WHALEY
Juvenile

STATE OF ALABAMA
RANDOLPH COUNTY

I, CHRIS MAY, AS CLERK OF SAID COURT, DO HEREBY CERTIFY THAT
THE FOREGOING IS A TRUE AND CORRECT COPY OF RECORDS ON FILE IN
THIS OFFICE.

WITNESS MY HAND, THE SEAL OF SAID COURT THIS THE 1ST DAY OF
OCTOBER, 2007.


CHRIS MAY



IN THE CIRCUIT COURT OF
RANDOLPH COUNTY, ALABAMA

Filed in Office

AUG 27 2007

CURTIS SPIDELL)

PLAINTIFF)

VS.)

MIDLAND CREDIT
MANAGEMENT, INC. and
MCN RECEIVABLES
CORPORATION)

DEFENDANT)

CHRIS MAY
Clerk of Circuit Court

CASE NO. CV 2007- 110

BILL OF COMPLAINT

Comes now Plaintiff and would show unto this Honorable Court the following facts as a basis for the relief hereinafter prayed for:

STATEMENT OF FACTS

1. Plaintiff herein is a resident citizen of Randolph County, Alabama, and whose principal address is Post Office Box 865, Wedowee, Alabama.
2. The Defendant Midland Credit Management, Inc. is a foreign corporation which does business by agent in Randolph County, Alabama, whose principal address is Post Office Box 939019, San Diego, California 92193-9019.

3. To the best of Plaintiff's knowledge and belief, Defendant MRC Receivables Corporation is a foreign corporation which does business by agent in Randolph County, Alabama, whose principal address is Post Office Box 939019 San Diego, California 92193-9019.

4. Defendants herein filed a lawsuit against Plaintiff in the District Court of Randolph County which was styled as Case No. SM 2007-306. Said action was filed June 21, 2007, wherein the Defendants claimed that the Plaintiff was indebted to Midland Credit Management (not Midland Credit Management, Inc.) for the sum of \$1,098.98 due by open account. Defendant also claimed court cost of \$62.00 from the Plaintiff.

5. Plaintiff would state that a Deputy Sheriff of Randolph County served him with papers herein.

6. Plaintiff would state that he is a Minister of the Gospel and that service of these papers by the Sheriff of Randolph County upon him was highly demeaning, embarrassing, and maliciously done by Defendants as against the Plaintiff.

7. Plaintiff would state that after being served he was required to secure the services of an attorney to represent him in this matter.

8. Plaintiff would state that his attorney filed an Answer to the lawsuit and the case was set for trial on August 14, 2007, in the District Court of Randolph County.

9. At that time the Plaintiff's attorney appeared but no one appeared on behalf of the Defendants.

10. After taking testimony the District Judge in Randolph County entered a judgment in favor of the Plaintiff herein discharging him from any and all liability or responsibility to the Defendants.

11. Plaintiff herein would state that prior to June 21, 2007, he had written to Defendants on several occasions telling them that he was not indebted to the Defendants whatsoever. He had further sent copies of cancelled checks on various accounts of his to the Defendants letting them know that unequivocally he had no debt to the Defendants or anyone associated with the Defendants.

12. Plaintiff would state that he was never given the courtesy of any reply to his correspondence and that the only reply he ever received was a lawsuit.

COUNT ONE

COMPLAINT FOR MALICIOUS PROSECUTION

1. Plaintiff incorporates the Statement of Facts above as Paragraph One of this Count.

2. Plaintiff herein would state that the Defendants falsely, wrongly, maliciously, and intentionally filed a lawsuit against the Plaintiff knowing that there was no basis in law or in fact for the allegations made in the complaint against Plaintiff herein.

3. Plaintiff would state that all issues relating to the same were decided in his favor and that the Defendants herein did not even have the courtesy to attend any hearing nor provide any evidence of any indebtedness whatsoever by the Plaintiff to Defendants.

4. Plaintiff would state that the Defendants herein further filed a lawsuit against him for entity known as Midland Credit Management which to the best of Plaintiff's knowledge and belief is no entity at all and has no legal existence nor ever had any ownership interest in any account allegedly to have been created by the Plaintiff herein.

5. As a proximate consequence of the malicious prosecution of the Plaintiff by Defendants he has been caused to suffer the following injuries and damages:

- (a) He has been subjected to extreme worry and anxiety;
- (b) He has been subjected to humiliation and embarrassment;
- (c) He has been caused to suffer attorney fees and lose time from work in defending himself against the malicious prosecution of the Defendants;

WHEREFORE, Plaintiff demands judgment against Defendants for all sums he is entitled to under the pleadings and proof contained herein including compensatory and punitive damages in an amount not to exceed \$74,000.00.

COUNT TWO

COMPLAINT FOR NEGLIGENCE

1. Plaintiff incorporates the Statement of Facts above as Paragraph One of this Count.

2. Defendants herein negligently filed a lawsuit against Plaintiff on behalf of a non-existent entity in an attempt to collect an account which the Plaintiff did not owe.

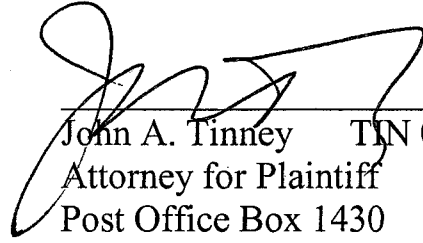
3. To the best of Plaintiff's knowledge and belief, the Defendants negligently filed this lawsuit after being told on several occasions by the Plaintiff that he had no indebtedness to the Defendants and that he was not liable to them for any account whatsoever.

4. As a proximate consequence of the negligence of the Defendants in filing a lawsuit against the Plaintiff, the Plaintiff has been caused to suffer the following injuries and damages:

- (a) He has been subjected to extreme worry and anxiety;
- (b) He has been subjected to humiliation and embarrassment;
- (c) He has been caused to suffer attorney fees and lose time from work in defending himself against the malicious prosecution of the Defendants;

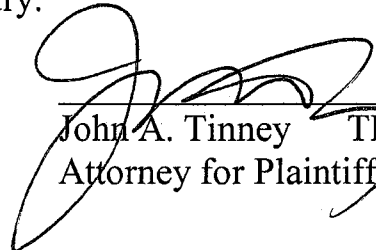
5. Plaintiff would state that the negligent actions of the Defendants were such that they Defendants were guilty not only of negligence but in the alternative negligence and wantonness.

WHEREFORE, Plaintiff demands judgment against Defendants for all sums he may be entitled to under the pleadings and proof contained herein.



John A. Tinney TIN 005
Attorney for Plaintiff
Post Office Box 1430
Roanoke, Alabama 36274
(334) 863 – 8945

Plaintiff demands trial by struck jury.



John A. Tinney TIN 005
Attorney for Plaintiff

IN THE CIRCUIT COURT OF
RANDOLPH COUNTY, ALABAMA

CURTIS SPIDELL)

PLAINTIFF)

VS.)

CASE NO. CV 2007- 110

MIDLAND CREDIT)
MANAGEMENT, INC. and)
MCN RECEIVABLES)
CORPORATION)

DEFENDANT)

Filed in Office

AUG 27 2007

CHRIS MAY
Clerk of Circuit Court

INTERROGATORIES

Comes now Plaintiff and requests Defendants, **separately and severally**, to answer the following interrogatories within the time allowed by the Alabama Rules of Civil Procedure. (Plaintiff expects a response from each Defendant separately and severally to these interrogatories):

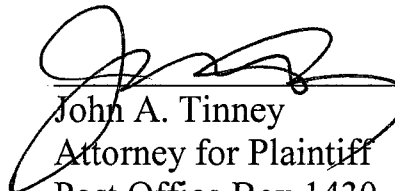
1. Please state the name and addresses of all owners of Midland Credit Management, Inc.'s stock.
2. Please state the name and address of the person most knowledgeable or familiar with the account upon which the lawsuit against the Plaintiff was filed.
3. Please state the name and address of the person responsible for filing the lawsuit against the Plaintiff.

4. Please state the amount that you paid for any account that you allege that the Plaintiff was indebted concerning.

5. Please state the name and address of the person, firm, or corporation from whom you purchased or were assigned any account that you claim that the Plaintiff was indebted concerning.

6. Please state each and every reason why you failed to attend and offer testimony on August 14, 2007, in the District Court of Randolph County as to the lawsuit filed by you against the Plaintiff.

7. Please state the date that you first learned that the lawsuit filed by you against the Plaintiff was set for trial in the District Court of Randolph County on August 14, 2007.



John A. Tinney
Attorney for Plaintiff
Post Office Box 1430
Roanoke, Alabama 36274
(334) 863 8945

TIN005

SERVED WITH SUMMONS AND COMPLAINT – RESPONSES DUE
WITHIN 45 DAYS FROM THE DATE OF SERVICE

IN THE CIRCUIT COURT OF
RANDOLPH COUNTY, ALABAMA

CURTIS SPIDELL)

PLAINTIFF)

VS.)

CASE NO. CV 2007- 110

MIDLAND CREDIT)
MANAGEMENT, INC. and)
MCN RECEIVABLES)
CORPORATION)

DEFENDANT)

Filed in Office

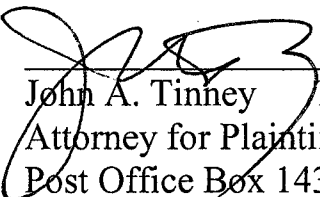
AUG 27 2007

CHRIS MAY
Clerk of Circuit Court

REQUEST FOR PRODUCTION

Comes now Plaintiff and requests Defendants, **separately and severally**, to produce for copying and/or inspecting the following documents within the time allowed by the Alabama Rules of Civil Procedure. (Plaintiff expects a response from each Defendant separately and severally to these production requests):

1. A copy of your complete file with respect to any account allegedly owed by Plaintiff.
2. A copy of contract or assignment wherein you allege that you received any interest in any indebtedness of the Plaintiff from any person, firm, or corporation.



John A. Tinney TIN 005
Attorney for Plaintiff
Post Office Box 1430
Roanoke, Alabama 36274
(334) 863 – 8945

**SERVED WITH SUMMONS AND COMPLAINT – RESPONSES DUE
WITHIN 45 DAYS FROM THE DATE OF SERVICE**

IN THE CIRCUIT COURT OF
RANDOLPH COUNTY, ALABAMA

CURTIS SPIDELL)

PLAINTIFF)

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MANAGEMENT, INC. and)
MCN RECEIVABLES)
CORPORATION)

DEFENDANT)

Filed in Office

AUG 27 2007

CHRIS MAY
Clerk of Circuit Court

CIVIL SUMMONS

NOTICE TO: MCN RECEIVABLES CORPORATION
Post Office Box 939019
San Diego, California 92193-9019.

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY, JOHN A. TINNEY, WHOSE ADDRESS IS POST OFFICE BOX 1430, 739 MAIN STREET, ROANOKE, ALABAMA, 36274.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE: You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon the defendant.

xxx SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF PLAINTIFF PURSUANT TO THE ALABAMA RULES OF CIVIL PROCEDURE

8/27/07
Date

Chris May
Clerk

Certified mail is hereby requested.

John Tinney

RETURN OF SERVICE

Return receipt of certified mail in this office on _____
I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____
County, Alabama, on _____.

Type of Process Server and Address: _____

IN THE CIRCUIT COURT OF
RANDOLPH COUNTY, ALABAMA

Filed in Office

AUG 27 2007

CHRIS MAY
Clerk of Circuit Court

CURTIS SPIDELL)

PLAINTIFF)

VS.)

CASE NO. CV 2007-110

MIDLAND CREDIT)
MANAGEMENT, INC. and)
MCN RECEIVABLES)
CORPORATION)

DEFENDANT)

CIVIL SUMMONS

NOTICE TO: MIDLAND CREDIT MANAGEMENT, INC.
Post Office Box 939019
San Diego, California 92193-9019

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8-27-07
Date

Chris May
Clerk

Certified mail is hereby requested.

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RETURN OF SERVICE

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I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama, on _____.

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COVER SHEET
CIRCUIT COURT - CIVIL CASE

State of Alabama
Unified Judicial System
Form ARCivP-93 12/95

Case No. CV 07-110
Date of Filing: 8-27-07

GENERAL INFORMATION

IN THE CIRCUIT COURT OF RANDOLPH COUNTY

PLAINTIFF

vs. DEFENDANT

Curtis Spidell

Midland Credit Management, Inc.

First Plaintiff: Individual

First Defendant: Business

NATURE OF SUIT: Select primary cause of action:

Filed in Office

TORTS PERSONAL INJURY:

- ☐ WDEA - Wrongful Death
- ☐ TONG - Negligence: General
- ☐ TOMV - Negligence: Motor Vehicle
- ☐ TOWA - Wantonness
- ☐ TOPL - Product Liability/AEMLD
- ☐ TOMM - Malpractice - Medical
- ☐ TOLM - Malpractice - Legal
- ☐ TOOM - Malpractice - Other
- ☐ TOFR - Fraud
- ☐ TOXX - Other: _____

- ☐ PFAB - Protection from Abuse
- ☐ RPRO - Real Property
- ☐ ACCT - Account & Non-Mortgage
- ☐ COXX - Contract: All other
- ☐ CVRT - Civil Rights
- ☐ WTEG - Will/Trust/Estates/Guard.
- ☐ EQND - Non-Damage Actions

(Declaratory Judgments, Inj.)

- ☐ MSHC - Habeas Corpus/Extra. Writ
- ☐ ADPA - Admin. Procedure Act
- ☐ FELA - Railroad/Seaman (FELA)
- ☐ COMP - Workmen's Compensation
- ☐ COND - Condemnation (Fruits of Crime, Right of Way, Abandoned Vehicle)
- ☐ CVXX - Other: _____

AUG 27 2007

CHRIS MAY
Clerk of Circuit Court

TORTS PROPERTY INJURY:

- ☐ TOPE - Personal Property
- ☐ TORE - Real Property

ORIGIN: Initial Filing

HAS JURY TRIAL BEEN DEMANDED?

Yes

RELIEF REQUESTED: Monetary Award Requested

Attorney Code: TIN005

(Date)

Signature of Attorney/Party Filing

MEDIATION REQUESTED: Yes No Undecided

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, ALABAMA

CURTIS SPIDELL

PLAINTIFF

VS.

CAUSE NO. CV 2007-110

MIDLAND CREDIT MANAGEMENT, INC.
and MRC RECEIVABLES CORPORATION

DEFENDANTS

NOTICE OF FILING OF NOTICE OF REMOVAL

TO: Chris May, Clerk of the Circuit Court of Randolph County, Alabama

Attached is a copy of the Notice of Removal that was filed today in the United States District Court for the Middle District of Alabama, Eastern Division, removing these proceedings from this Court.

THIS, the 1st day of October, 2007.

Respectfully submitted,

MIDLAND CREDIT MANAGEMENT, INC.
and MRC RECEIVABLES CORPORATION

By: 

F. E. McRae, III
Its Attorney

OF COUNSEL:

F. E. McRae, III (AL No. ASB-4501-M56F)

MCGLINCHEY STAFFORD, PLLC

Suite 1100 – City Centre South

200 South Lamar Street (39201)

Post Office Drawer 22949

Jackson, Mississippi 39225-2949

Telephone: (601) 960-8400

Facsimile: (601) 960-8431

Attorneys for the Defendants, Midland Credit Management, Inc.
and MRC Receivables Corporation

Filed in Office

OCT 01 2007

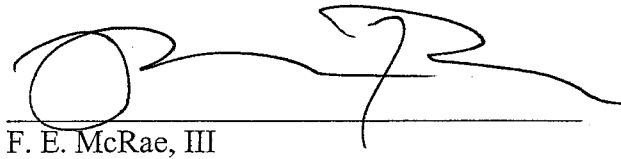
CHRIS MAY
Clerk of Circuit Court

CERTIFICATE OF SERVICE

I, F. E. McRae, III, of McGlinchey Stafford, PLLC, attorney for the Defendants, do hereby certify that I have this day served, via United States Mail, postage prepaid, a true and correct copy of the foregoing document to the following:

John A. Tinney, Esq.
Attorney for Plaintiff
Post Office Box 1430
Roanoke, Alabama 36274

THIS, the 1st day of October, 2007.



F. E. McRae, III

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CURTIS SPIDELL

PLAINTIFF

VS.

CIVIL ACTION NO. _____

MIDLAND CREDIT MANAGEMENT, INC.
and MRC RECEIVABLES CORPORATION

DEFENDANTS

NOTICE OF REMOVAL

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1. This Court has subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. § 1332. Removal of this proceeding is authorized pursuant to 28 U.S.C. §§ 1441 and 1446.

2. The instant case was commenced on or about August 27, 2007, in the Circuit Court of Randolph County, Alabama, Cause No. CV 2007-110. The Complaint alleges that the Defendants wrongfully sued Spidell to collect a debt that Spidell claims he did not owe. Spidell's Complaint lists two causes of action: malicious prosecution (for filing suit against Spidell to collect the debt), and negligence (for improperly filing the suit after Spidell claims he informed the Defendants that he did not owe the debt). Spidell's Complaint seeks \$74,000.00 for malicious prosecution and states a separate *ad damnum* clause after the negligence count praying for "all sums he may be entitled to under the pleadings." *Complaint*, page 6. As also stated in Spidell's Complaint, the amount of the debt for which Spidell was sued is \$1,098.98.

3. This case is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. The Plaintiff alleges that he is an adult resident citizen of Randolph County, Alabama. The Defendants concur, and admit that Spidell is an Alabama resident, which is sufficient to establish the Plaintiff's Alabama citizenship for the purpose of removal. Midland is a Kansas corporation with its principal place of business in California. MRC is a Delaware corporation with its principal place of business in California. Thus, complete diversity of citizenship exists between the Plaintiff and the Defendants.

4. Although Spidell has the choice of the jurisdiction in which he originally filed his lawsuit, he may not carefully plead unspecified damages or damages not to exceed the jurisdictional limit so as to avoid federal jurisdiction. *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1273 (11th Cir. 2000) ("Jurisdiction is not conferred by the stroke of a lawyer's pen."). Here, Spidell originally chose to bring this action in the Circuit Court of Randolph County, Alabama, but he may not rely upon an unspecified amount of damages as it relates to his negligence claim in order to remain in state court, when his claim is clearly for more than the amount necessary for federal jurisdiction. Spidell has specifically prayed for \$74,000.00 for his malicious prosecution claim, and has also prayed for an unspecified amount of money for his negligence claim, which is related to a lawsuit where the debt owed is \$1,098.98. Thus, the amount in controversy in this case clearly exceeds \$75,000.00.

5. This Court has supplemental jurisdiction over any and all other claims asserted by the Plaintiffs in accordance with 28 U.S.C. §§ 1367 and 1441.

6. The removal of this matter is timely and proper pursuant to 28 U.S.C. § 1446. All necessary and properly joined parties have consented to the removal of this action within the time permitted by law.

7. By filing this *Notice of Removal*, the Defendants do not waive their right to object to service, service of process, the sufficiency of process, jurisdiction over the subject matter, jurisdiction over the person, or venue, and specifically reserve the right to assert any and all defenses and/or objections to which they may be entitled. The Defendants also reserve any right to compel arbitration of the claims asserted.

8. Copies of all process, pleadings, orders and other papers filed in this action and obtained by the Defendants are attached hereto and marked as composite Exhibit "A," and incorporated herein by reference.

9. A copy of this Notice of Removal has been sent to all counsel of record, and will be filed with the clerk of the Circuit Court of Randolph County, Alabama.

WHEREFORE, PREMISES CONSIDERED, the Defendants pray that this Court assume full jurisdiction over this proceeding as provided for by law.

THIS, the 1st day of October, 2007.

Respectfully submitted,

MIDLAND CREDIT MANAGEMENT, INC.
and MRC RECEIVABLES CORPORATION

By: _____
F. E. McRae, III
Its Attorney

OF COUNSEL:

F. E. McRae, III (AL No. ASB-4501-M56F)

MCGLINCHEY STAFFORD, PLLC

Suite 1100 – City Centre South

200 South Lamar Street (39201)

Post Office Drawer 22949

Jackson, Mississippi 39225-2949

Telephone: (601) 960-8400

Facsimile: (601) 960-8431


Attorneys for the Defendants, Midland Credit Management, Inc.
and MRC Receivables Corporation

CERTIFICATE OF SERVICE

I, F. E. McRae, III, of McGlinchey Stafford, PLLC, attorney for the Defendants, do hereby certify that I have this day served, via United States Mail, postage prepaid, a true and correct copy of the foregoing document to the following:

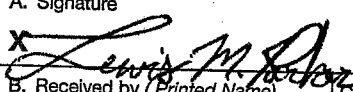
John A. Tinney, Esq.
Attorney for Plaintiff
Post Office Box 1430
Roanoke, Alabama 36274

THIS, the 1st day of October, 2007.

A handwritten signature in black ink, appearing to read 'F. E. McRae, III', is written over a horizontal line.

F. E. McRae, III

213337.1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <u>D001</u> 		<p>A. Signature </p> <p>B. Received by (Printed Name) <u>Lewis M. Parker</u></p> <p>C. Date of Delivery <u>AUG 30 2007</u></p>	
<p>1. Article Addressed to:</p> <p><u>Midland Credit Management Inc.</u> <u>P.O. Box 939019</u> <u>San Diego, CA</u> <u>CV07-110 92193-9019</u></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>7004 1350 0003 0094 9188</p>	

PS Form 3811, Feb

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

102595-02-M-1540

For delivery information visit our website at www.usps.com**OFFICIAL USE**

Postage	\$ 1.75
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.55

Sent To Midland Credit Management Inc.
 Street, Apt. No. or PO Box No. PO Box 939019
 City, State, Zip+4 San Diego, CA 92193-9019

PS Form 3800, June 2002

See Reverse for Instructions

8876 4600 0000 05ET 4007
7004 1350 0003 0094 9188

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <i>DOO2</i> 		A. Signature <i>X Lewis M. Porter</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>MCN Receivables Corporation</i> <i>P.O. Box 939019</i> <i>San Diego, CA</i> <i>92193-9019</i> <i>CN07-110</i>		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>AUG 30 2007</i>	
2. Article Number (Transfer from service label)		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2002		7004 1350 0003 0094 9195 102595-02-M-1540	

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.75
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.55

7004 1350 0003 0094 9195

WEDOWEE AL 38278
AUG 30 2007
USPS

Sent to *MCN Receivables Corporation*
Street, Apt. No. or PO Box No. *P.O. Box 939019*
City, State, ZIP+4 *San Diego, CA 92193-9019*

PS Form 3800, June 2002 See Reverse for Instructions

Court Name: U S DISTRICT COURT - AL/M
Division: 2
Receipt Number: 4602000584
Cashier ID: khaynes
Transaction Date: 10/01/2007
Payer Name: MCGLINCHEY STAFFORD PLLC

CIVIL FILING FEE
For: MCGLINCHEY STAFFORD PLLC
Case/Party: D-ALM-3-07-CV-000874-001
Amount: \$350.00

CHECK
Check/Money Order Num: 104276
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

CURTIS SPIDELL V. MIDLAND CREDIT ET
AL